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UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

1938 Range Conservation Program -- Southern Region
(Applicable only in Oklahoma and Texas)

The main purpose of the Range Conservation Program is the conservation of soil on range land. It has been found that grass is the best conservator of soil. Land covered by a sufficient stand of grass shows constant improvement and only on rare occasions is it seriously affected by erosion.

The range-building practices as prescribed in the Range Program have been determined by experiment and actual practice to be of value in helping to maintain a good stand of grass and restoring grass on depleted areas, either by eliminating competition from range-destroying plants, or by preventing erosion, or by the conservation of water in the more arid regions.

Natural Reseeding by Deferred Grazing

The first practice set out in the program is that of natural reseeding by deferred grazing. This is accomplished by keeping all livestock off the pasture from the start of the growth of grass in the spring until the seed have matured. Natural reseeding by deferred grazing is not necessary every year on the same land. This practice should be rotated so that the entire ranch will eventually be reseeded. The operator cannot qualify for payment on land that is normally not grazed during this period.

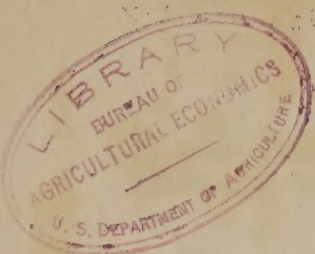
It is also necessary under this practice that a suitable fence be maintained to prevent the entry of livestock. The ranch operator would not be eligible for payment under this practice should he permit the balance of his ranch to be over-grazed to an extent that his stand of grass is injured or decreased to an extent that it would cause increased erosion. The operator is required to submit to the County Committee, in writing, prior to the institution of the practice, the designation of the area to be deferred from grazing. The ranch operator will also be required to comply with such additional specifications as are prescribed by the County Committee and approved by the State Committee.

Development of Stock Water on Range Land

The better distribution of watering facilities by the construction of tanks, reservoirs, or wells, and the development of natural watering places, will lessen erosion and damage from runoff caused by trampling and destruction of grasses resulting from stock going long distances to watering places and thereby creating trails that develop into washes and gullies. Payment will not be made for any such practice if carried out at the ranch headquarters.

Tanks and Reservoirs

The construction of earthen tanks and reservoirs is the most desirable method of impounding stock water under this program. Care should be exer-



cised in the choice of dam sites, and ranchmen should confer with the County Agent, range inspector, or County Committee before construction is begun.

Concrete or Rubble Masonry Dams

Provisions for the construction of concrete or rubble masonry dams have been included to take care of situations where, on account of the rocky nature of the soil, earthen dams are not practical.

Wells

The payment for wells is conditioned on the operator's erecting at his own expense a windmill or providing a power pump, and also providing suitable facilities for the storage of stock water, such as drinking troughs, tanks, etc. A dry hole will not qualify for payment. Unless the location of the well and the facilities provided are approved by the County Committee payment will not be made for this practice.

Development of Natural Watering Places

Development of natural watering places consists of improving and developing springs and seeps by excavation. To qualify for payment the operator is required, at his own expense, to wall up the spring with concrete or rubble masonry walls, fence and protect the spring from trampling, and pipe the water through a pipe not less than 1 inch in diameter to an acceptable tank or trough of sufficient capacity to constitute a suitable watering place. The County Committee should exercise great care in approving this practice in order to avoid expenditure of funds on projects which are not certain to be of value.

Erosion and Run-Off Control

The practices providing for control of erosion and run-off have proved to be of great value in holding water on the land where it falls, catching the grass seed which would otherwise be lost.

Conservation of Range Land Through Elimination of Destructive Plants

The elimination of range-destroying plants which grow in competition with grass, either shading it or stifling its roots, tends to conserve the soil by permitting an increased growth of grass. The payment for these practices varies in accordance with the degree of infestation as found by the range inspector.

Fire Guards

Fire guards are to prevent the destruction of grass and grass seed by fire. This practice is accomplished by plowing a strip not less than 10 feet in width, thus turning under combustible matter so that a fire would not burn across the plowed area.

Selection of Practices

The ranch operator should study all of the practices carefully and select those best suited to his ranch. The ranchman himself is to decide what practices he will carry out. However, no practice will qualify for payment unless it was approved by the County Committee prior to its institution.

Range-Building Allowance

The range-building allowance will be fixed by multiplying the number of acres in the ranch by 2 cents and adding to that \$1.00 times the number of animal units indicated as the grazing capacity. The grazing capacity item, for the purpose of computing the range-building allowance, shall not be calculated on more than one animal unit for each 10 acres, and the acreage item shall not be calculated at more than 60 acres for each animal unit of grazing capacity established for the ranch.

PART I. RANGE-BUILDING PRACTICES, RATES AND CONDITIONS OF PAYMENT

Section 1. Range-building Practices. Following is a complete list of practices for which payments will be made, not in excess of the range-building allowance, with the rates and conditions of payments. Additional specifications may be issued by the State Agricultural Conservation Committee as indicated herein, with the approval of the Director of the Southern Division, Agricultural Adjustment Administration. Fractions in acreages or units of range-building practices shall be rounded in accordance with instructions issued by the Agricultural Adjustment Administration.

PRACTICES AND CONDITIONS OF PAYMENT	RATE OF PAYMENT
<u>A. RESEEDING OF RANGE LAND:</u>	
1. Natural reseeding by deferred grazing:	Sixty percent of the range-building allowance.
For withholding 25 percent of the range land in the ranching unit from grazing for the period from the start of forage growth to seed maturity, which period for the purpose of this practice shall be considered to be the five months (150 days) beginning on the date between February 1 and June 1, 1938, recommended by the County Committee and approved by the State Committee: <u>Provided</u> (1) if grazing is deferred on less than 25 percent of the range land in the ranching unit a proportionate payment will be made; (2) the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock (or on ranching units used exclusively for sheep the entry of livestock on the non-grazed area is prevented by herding); (3) prairie dogs are eradicated from such area; (4) the remaining range land in such ranching unit is not pastured to such an extent as will decrease the stand of grass or injure the forage, tree	

PRACTICES AND CONDITIONS OF PAYMENT

RATE OF PAYMENT

growth, or watershed; (5) such practice shall not be applicable to range land in the ranching unit which normally is not used for grazing during the period from the start of forage growth to seed maturity; (6) the ranch operator has submitted to the County Committee in writing the designation of the non-grazing range area of the ranching unit previous to the carrying out of such practice and (7) if recommended by the County Committee and approved by the State Committee, the operator mows such deferred acreage if badly infested with undesirable weeds or shrubs, and complies with such other conditions or specifications as are recommended by the County Committee and approved by the State Committee as being needed in the interest of range conservation, county committee recommendations to be made prior to the date set for the beginning of the deferred grazing period.

2. Artificial reseeding:

For reseeding depleted range land with good seed of adapted varieties of range grasses or legumes, provided such range land is properly prepared previous to such seeding by using such methods, including moving, disking, contour-listing, or other methods, as are approved by the County Committee as being good practice for such land. Satisfactory evidence must be submitted to the County Committee regarding performance under this practice.

20 cents per pound of seed sown, but not in excess of \$2.00 per acre.

B. EROSION AND RUN-OFF CONTROL:

3. (a) Contour listing, furrowing, or subsoiling (chiseling):

For listing, furrowing, or subsoiling (chiseling) range land on the contour.

50 cents per acre.

Furrow channels, if listed or plowed, shall not be less than 8 inches in width and 4 inches in depth; if sub-soiled (chiseled), shall not be less than 3 inches in width and 6 inches in depth. If furrows are 7 feet or

PRACTICES AND CONDITIONS OF PAYMENT	RATE OF PAYMENT
<p>less apart, the actual acreage of land furrowed will be computed. If furrows are over 7 feet apart, the acreage of the practice will be computed on the basis of the acreage occupied by such furrows, each furrow being considered to occupy a strip 7 feet in width.</p>	
<p>(b) Ridging range land on the contour:</p>	
<p>Such ridges or narrow terraces must be at least 3 feet in width from low point in the upper channel to the top of the ridge and at least 12 inches in height above such low point in the upper channel and spaced in accordance with the degree of slope as specified by the State Committee.</p>	<p>10 cents per 100 linear feet.</p>
<p>4. Spreader dams and terraces:</p>	
<p>Spreader dams and terraces constructed alone or in combination with each other for the diversion of surface water to prevent soil washing of range land. Such dams and terraces to be accurately laid off and checked with the standard farm level or surveyor's instrument, and to be constructed in accordance with specifications issued by the State Committee in cooperation with the Agricultural Extension Service.</p>	
<p>(a) Spreader dams:</p>	<p>15 cents per cubic yard for material moved in building the dams.</p>
<p>(b) Spreader terraces:</p>	<p>40 cents per 100 linear feet of terraces constructed.</p>
<p>C. <u>DEVELOPMENT OF STOCK WATER ON RANGE LAND:</u></p>	
<p>5. Earthen tanks or reservoirs:</p>	
<p>For constructing reservoirs or earthen tanks with spillways adequate to prevent dams from washing out, for the purpose of providing water for range livestock, provided that such dams shall be constructed in accordance with specifications issued by the State Committee in cooperation with the Agricultural Extension Service. The site for such dam shall be inspected, and a preliminary survey made, prior to construction.</p>	<p>15 cents per cubic yard of fill or excavation.</p>

PRACTICES AND CONDITIONS OF PAYMENT	RATE OF PAYMENT
<p>6. Concrete or rubble masonry dams:</p> <p>For constructing concrete or rubble masonry dams in rough or broken areas (where earthen dams or reservoirs are impracticable and where there is no possibility of using the water stored by such masonry dam for irrigation), for the purpose of providing water for range livestock, provided that such dams shall be constructed in accordance with specifications issued by the State Committee. The site for such dam shall be inspected, and a preliminary survey made, prior to construction.</p>	<p>\$6.00 per cubic yard of concrete.</p>
<p>7. Wells:</p> <p>For drilling or digging wells, with sufficient casing to prevent caving, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. Payment will not be made for a well developed at ranch headquarters. A dry hole will not qualify for payment.</p> <p>(a) Wells with casing not less than 4 inches in diameter.</p> <p>(b) Wells with casing less than 4 inches in diameter.</p> <p>An artesian well will qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough, provided such well is sufficiently cased to prevent caving.</p>	<p>\$2.00 per linear foot.</p> <p>\$1.00 per linear foot.</p>
<p>8. Development of natural watering places:</p> <p>For developing springs or seeps by excavating, walling up such springs or seeps with concrete or masonry, protecting the source from trampling by adequate fencing, and conveying the water in a trough or in a pipe not less than one inch in diameter to a tank, for the purpose of providing water for range livestock.</p>	

PRACTICES AND CONDITIONS OF PAYMENT	RATE OF PAYMENT
(a) Where excavation is in soil or gravel.	40 cents per cubic foot.
(b) Where excavation is in rock.	70 cents per cubic foot.
D. <u>PLANTING AND MAINTAINING A STAND OF TREES:</u>	
9. Tree planting:	
Planting of trees on range land, provided (a) the trees are planted in 1938 prior to November 1; (b) the number, kind, variety, and age of trees planted and methods of planting and growing of such trees are in accordance with approved specifications issued by the State Committee in cooperation with the State Extension Service, and (c) the acreage planted to trees is fenced and the fence is maintained sufficiently to prevent entry of livestock.	\$10.00 per acre.
10. Not applicable in Oklahoma or Texas.	
E. <u>CONSERVATION OF RANGE LANDS THROUGH THE ELIMINATION OF DESTRUCTIVE PLANTS:</u>	
11. Prickly pear and cactus:	
In accordance with percent of ground covered:	
(a) Light infestation, 2% to 6% inclusive	\$0.50 per acre.
(b) Medium infestation, 7% to 12% inclusive	0.75 per acre.
(c) Heavy infestation, above 12%	1.00 per acre.
Where infestation is less than 2%, coverage will be calculated by counting 2 or more acres as one, according to the relative facts found by the range inspector and approved by the County Committee.	
12. Mesquite:	
In accordance with percent of ground covered:	
(a) Light infestation, 5% to 20% inclusive	\$0.50 per acre.
(b) Medium infestation, 21% to 40%, inclusive	1.00 per acre.
(c) Heavy infestation, above 40%	2.00 per acre.

PRACTICES AND CONDITIONS OF PAYMENT	RATE OF PAYMENT
<p>Where infestation is less than 5%, coverage will be calculated by counting 2 or more acres as one, according to the relative facts found by the range inspector and approved by the County Committee.</p>	
13. Cedar:	
<p>In accordance with percent of ground covered:</p>	
(a) Light infestation, 5% to 15% inclusive	\$0.75 per acre.
(b) Medium infestation, 16% to 30% inclusive	1.00 per acre.
(c) Heavy infestation, above 30% inclusive	1.50 per acre.
<p>Where infestation is less than 5%, coverage will be calculated by counting 2 or more acres as one, according to the relative facts found by the range inspector and approved by the County Committee.</p>	
14. Lechuguilla:	
<p>In accordance with percent of ground covered:</p>	
(a) Heavy infestation, above 2% cover.	\$0.50 per acre.
<p>Where infestation is less than 2% coverage will be calculated by counting 2 or more acres as one, according to the relative facts found by the range inspector and approved by the County Committee.</p>	
F. <u>FIRE GUARDS:</u>	
15. For the establishment and maintenance of fire guards not less than 10 feet in width by destroying vegetative cover by plowing furrows, or by other mechanical means exposing the soil. Payment will not be made if the fire guard is used in connection with controlled burning within the ranching unit.	\$0.05 per 100 linear feet.

Sec. 2. Range-building Allowance. The range-building allowance shall be 2 cents per acre of range land in the ranching unit plus \$1.00 times the grazing capacity of the range land: Provided, however, that the grazing capacity item shall not be calculated on more than one animal unit for each 10 acres of range land in the ranching unit, and the acreage item shall not be calculated on more than 60 acres for each animal unit of grazing capacity established for the ranching unit.

Sec. 3. Special Conditions of Payment. The range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit. Payment will be made only if range-building practices are carried out according to the specifications prescribed by the State Committee and approved by the Regional Director. No deductions will be made from payments for carrying out range-building practices because of failure to meet soil-depleting acreage requirements and other conditions for which deductions are made as outlined in the 1938 Agricultural Conservation Program. No payment will be made for practices carried out with labor, seed, trees, and material furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration.

Sec. 4. Changes in Leasing Arrangements and Other Devices. No payment will be made to any person who has for 1938 made any change from the 1937 leasing arrangements of range land for the purpose of, or which would have the effect of, diverting to such person any payment to which any lessee would be entitled if the 1937 leasing arrangements of such range land were in effect for 1938. If the State Committee finds that any person who files an application for a payment pursuant to the provisions of the 1938 Range Conservation Program has made any change from the 1937 leasing arrangements of such range land or has employed any other scheme or device whatsoever for the purpose of, or which would have the effect of, depriving any other person of any payment or share therein to which such other person otherwise would be entitled, the Secretary may withhold from the person participating in such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or otherwise would be made to such person for performance in connection with the 1938 Range Conservation Program.

Sec. 5. Eligibility for Payment. Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators, provided they all signify in the application for the range-building payment a percentum of the total payment to be made to each ranch operator. An owner or lessee who will operate the ranch a portion of the year must apply for inspection before the closing date for accepting applications in order to qualify under the program by performance after he actually assumes operation. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the County Committee shall determine the percentage share of each ranch operator and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment to any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if Form

No. 251, "Request for Determination of Grazing Capacity", and Form No. 255, "Application for Payment", or any other form or information required is not submitted to the county office prior to a date recommended by the State Committee and approved by the Regional Director. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

Sec. 6. Materials Furnished as Grants of Aid. Wherever it is found practicable, trees, seeds, and other material may upon request of the ranch operator(s) be furnished by the Agricultural Adjustment Administration as grants of aid in lieu of payments. Wherever such materials are furnished, the range-building allowance will be reduced by the amount of the payment which otherwise would be computed with respect to the practices in connection with which the materials so furnished are used.

Sec. 7. Payments Restricted to Effectuation of the Purposes of the Program. All or any part of any payment which otherwise would be made to any person under the 1938 Range Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which tends to defeat the purposes of a sound conservation program as prescribed by the Regional Director.

No payment will be made to any person if upon adequate inspection of the range, taking into consideration rainfall, rate of stocking, and other local conditions, it is determined that, with respect to any ranch which he owns or operates, the stand of grass has been decreased or the forage, tree growth, or watershed has been injured by overgrazing in 1938.

Sec. 8. Payments Computed and Made Without Regard to Claims. Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against any crop or livestock, or proceeds thereof, in favor of the owner or any other creditor.

Sec. 9. Increase in Small Payments. If with respect to any ranch the total payment to any person would be

(1) Not more than \$20., the payment shall be increased by 40 percent;

(2) More than \$20 but not more than \$40, the payment shall be increased by \$8, plus 20 percent of the excess over \$20;

(3) More than \$40 but not more than \$60, the payment shall be increased by \$12, plus 10 percent of the excess over \$40;

(4) More than \$60 but not more than \$186, the payment shall be increased by \$14;

(5) More than \$186 but less than \$200, the payment shall be increased to \$200.

In the case of payments of more than \$1.00 the amount of the payment which shall be used to calculate increases under items (1), (2), and (3) shall not include that part, if any, of the payment which is a fraction of a dollar.

Sec. 10. Deduction for Association Expenses. There shall be deducted pro rata from the payments with respect to any ranch all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the ranch is located.

Sec. 11. Assignments. Any person who may be entitled to any payment in connection with the 1938 Range Conservation Program may assign his interest in such payment as security for cash loan, or advances made for the purpose of financing the making of a crop in 1938 or the operation of a ranch in 1938. No such assignment will be recognized unless (1) the assignment is made in writing on a form prescribed by the Agricultural Adjustment Administration and is acknowledged by the producer before the county agricultural extension agent and filed with such agent; (2) the rancher or farmer files with the assignment an affidavit showing that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a 1938 crop or the operation of the ranch in 1938 and not to pay or secure any pre-existing indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purpose.

Nothing in the provisions of this section shall be construed to give an assignee a right to any payment other than that to which the producer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the producer without regard to the existence of any such assignment.

Sec. 12. Excess Cotton Acreage. Any person who knowingly plants cotton on his farm in 1938 on acreage in excess of the cotton acreage allotment for the farm established in connection with cotton marketing quotas under Section 344 of the Agricultural Adjustment Act of 1938 and regulations issued in connection therewith shall not be eligible for any payment under the provisions of the 1938 Range Conservation Program. A person shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such cotton farm acreage allotment if notice of his allotment is mailed to him prior to the completion of the planting of cotton on the farm unless the farmer establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton thereon in 1938.

Sec. 13. Establishment of Grazing Capacities. There shall be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received on or before a date established by the Regional Director as affording reasonable opportunity for the filing of such applications. In determining grazing capacity, consideration shall be given to the following: (a) composition, palatability, and density of forage growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) presence or absence of rodents and poisonous plant infestations; and (f) number and classes of livestock previously carried. Any fraction in figures used in establishing the grazing capacity shall be rounded in accordance with instructions issued by the Agricultural Adjustment Administration. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit established by the Agricultural Adjustment Administration on the basis of available statistics.

Sec. 14. DETERMINATION OF COUNTY IN WHICH A RANCHING UNIT IS LOCATED. A ranching unit shall be regarded as located in the county in which its principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the ranching unit is located.

Sec. 15. APPEALS. Any ranch operator who considers himself aggrieved by any recommendation or determination of the County Committee with respect to the following matters affecting his ranching unit may, within 15 days after being notified thereof, request the County Committee in writing to reconsider the recommendation or determination: (a) eligibility to file an application for payment, (b) grazing capacity established for the range land in such ranching unit, or (c) any other matter affecting the right to or the amount of his payment with respect to the ranching unit. The County Committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the County Committee he may, within 15 days after such decision, appeal in writing to the State Committee. The State Committee shall, within 30 days after the receipt of the appeal, inform such person of its decision. If such person is dissatisfied with the decision of the State Committee, he may, within 15 days thereafter, request the Regional Director to review the decision of the State Committee.

Sec. 16. Definitions. For the purposes of the 1938 Range Conservation Program - -

SECRETARY means the Secretary of Agriculture of the United States.

REGIONAL DIRECTOR means the director of the Southern Division of the Agricultural Adjustment Administration.

STATE COMMITTEE or State Agricultural Conservation Committee means the group of persons designated for any State to assist in the administration of the 1938 Range Conservation Program and the 1938 Agricultural Conservation Program in such State.

COUNTY COMMITTEE or County Agricultural Conservation Committee means the group of persons elected for any county to assist in the ad-

ministration of the 1938 Range Conservation Program and the 1938 Agricultural Conservation Program in such county.

PERSON means an individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

RANGE-BUILDING PAYMENT means a payment for the carrying-out of one or more approved range-building practices.

RANGE-BUILDING ALLOWANCE means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

RANCH OPERATOR means a person who as owner, cash tenant, or share tenant operates, or a person who acts in similar capacity in the operation of, a ranching unit in 1938.

RANGE LAND means any land in which a ranch operator has such a legal estate or interest as to give him control thereof; which produces forage grazing by range livestock, without cultivation or general irrigation. Range land shall not include public domain of the United States, including lands owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

RANCHING UNIT means all range land which is used in 1938 by the ranch operator as a single unit in producing range livestock with machinery, workstock, and labor substantially separate from that for any other range land. A ranching unit is used for the production of range livestock if livestock are normally carried on such ranching unit.

ANIMAL UNIT means one cow, one horse, five sheep, or five goats, or the equivalent thereof.

GRAZING CAPACITY OF RANGE LAND means the number of animal units which such land will sustain, on a twelve-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

PART II. PROCEDURE FOR RANGE CONSERVATION PROGRAM FOR 1938.

Sec. 21. INFORMATIONAL MEETINGS. Immediately following district meetings scheduled by the State Extension Service for County Agents, county agricultural committeemen, and ranch operators, which are to be held throughout Texas and Oklahoma, the County Agent of each county shall call a meeting of the ranch operators of each county, at which time the 1938 Range Conservation Program for the Southern Region will be explained. After such explanation the ranch operators will be given the opportunity to sign the "Application for Determination of Grazing Capacity", Form SR-251.

Sec. 22. RANGE INSPECTORS. The County Committee of each county in which a number of ranch operators submit Form SR-251 shall appoint (or reappoint if the person served satisfactorily as range inspector in 1937), subject to the approval of the State Committee, one or more range inspec-

tors who, in their judgment, are best qualified and available to serve in such capacity. The persons so appointed (or reappointed) should be entirely familiar with ranching conditions in such county, the average grazing capacity of the county, the relative grazing capacity as among various ranches, and the annual climatic fluctuations in that county, and should be able to devote part time to the administration of the program throughout the year.

Immediately following the appointment of said range inspectors, the State Extension Service will arrange for district meetings for the purpose of instructing range inspectors in making range inspection and in filling out "Reports on the Examination of Range Land", Form SR-252.

These schools of instruction will be scheduled so that representatives of the Southern Division of the Agricultural Adjustment Administration and of the State Committee, and also, wherever possible, representatives of the State Experiment Stations and other State or Federal agricultural agencies, may be present.

Sec. 23. EXAMINATION OF THE RANCH BY THE RANGE INSPECTOR. The examination of the ranch by the range inspector shall be in accordance with the rules herein set out. The Report on the Examination of Range Land, Form SR-252, shall be prepared in triplicate by the range inspector in cooperation with the operator of the ranch. This report shall show the location of the ranch, the annual rainfall, the estimated grazing capacity, the distribution and palatability of the principal species of range vegetation, location and kind of watering facilities, the extent and degree of range-destroying rodents, the type and degree of erosion, the location, extent, and degree of infestation of range-destroying plants, the location and extent of erosion-control practices now in effect on the ranch, the practices desirable to control erosion and promote revegetation, and any other essential information relating to the range land on such ranch. The grazing capacity assigned to the ranch for the preceding year shall be taken into consideration in recommending the grazing capacity for 1938. The range inspector in making his recommendation shall take into consideration the history of the use of the ranch as to the number of livestock that have been customarily grazed on the ranch, the annual rainfall for each of the three preceding years, as well as the normal annual rainfall for the area in which the ranch is located, and whether any range depletion from the standpoint of lack of vegetative cover, or encroachment of range-destroying plants or weeds, has been caused by drought or by over-grazing.

On ranches participating in the Range Conservation Program for the first time in 1938, grazing capacity shall be determined in the manner described. On ranches where a grazing capacity was established in 1937, no detailed inspection will be required in 1938 except where such an inspection has been requested by the ranch operator or is deemed necessary by the County Committee, State Committee, or the Director of the Southern Region.

The degree of infestation of destructive plants will be determined by judging the density of the growths and grading them in accordance with the percentage of the ground covered by the total spread of the trees or plants, as estimated by the range inspector. In order to make an accurate estimate as to the percentage of coverage of such plants, the range inspector should

step off a representative twentieth or a tenth of an acre of infested area and measure the ground covered by all the trees and plants under consideration that are on the area, and determine the percentage of coverage on such plot or plots, then use this percentage as a basis for arriving at the percentage of the entire infested area.

After the report has been completed, it shall be reviewed by the operator, who shall indicate in the appropriate section of Form SR-252 which practices he wishes the County Committee to approve. The operator shall also state the approximate extent of the practice for which he requests approval and the location on the ranching unit (the location is to be indicated on the map of the ranch).

Sec. 24. ASSIGNMENTS OF GRAZING CAPACITY AND APPROVAL OF PRACTICES.

Based upon the information contained in the Report on Examination of Range Land for 1938, Form SR-252, and the final grazing capacity established for 1937, if available, the County Committee shall recommend, for approval by the State Committee, a grazing capacity for the ranch. The grazing capacities for all of the ranches in the county, thus established, shall be so adjusted that they do not exceed the grazing capacity for the county established by the Agricultural Adjustment Administration for 1938. The grazing capacity of the ranch shall be established on the basis of the normal, not the temporary, grazing capacity of the ranch.

The County Committee shall enter in Section III of Form SR-252, Report on Examination of Range Land, such of the practices, approval of which has been requested by the operator of the ranch, as it determines will tend to effectuate the purpose of the 1938 Range Conservation Program. Such practices shall be entered in the appropriate spaces if initialed on or after January 1, 1938, and approved by the County Committee regardless of whether Form SR-252 was executed prior to their institution. In determining whether the practices, the approval of which has been requested, will tend to effectuate the purposes of the program, the County Committee shall give consideration to the effect of the practices in checking the depletion of and in rebuilding the vegetative cover of range land, in preventing erosion, and in controlling stream flow. In approving any practice the County Committee shall indicate on the map of the ranch the location and the extent of the practices which are approved. After the County Committee has executed its certificate, it shall send one copy of the completed Form SR-252 to the operator, retain one copy in the county office, and forward one copy with the transmittal sheet to the State office. If, after Form SR-252 has been executed, it is found that, due to unforeseen conditions, practices cannot be carried out exactly as approved by the County Committee, such practices may be changed for others if such changes are approved by the County Committee, such approval being signified by the signatures of the County Committee on the application for payment.

Sec. 25. DETERMINATION OF COUNTY GRAZING CAPACITY LIMITS FOR 1938.

The State Committee, prior to May 1, 1938, will make recommendation to the Agricultural Adjustment Administration as to the grazing capacity limits for all counties of the State.

Before making such recommendation, the State Committee will select an advisory committee composed of from 3 to 5 ranchmen, representing as

nearly as possible the types of ranching areas of the State, one representative of the Extension Service, and a representative of the State Agricultural Experiment Station. This committee will, in cooperation with a representative of the State Administrative Office of the Agricultural Adjustment Administration, review statistical information furnished by the Administration and information from other sources relative to the county grazing capacities for the various counties, and will compare these data in counties where the Range Conservation Program was in effect for 1937 with recommendations of the range inspectors and county committees and the final grazing capacity limits as established for 1937, and make recommendations to the State Committee relative to grazing capacities for 1938. The Administration will make final determination as to the county grazing capacity limits for each county.

The advisory committee shall also confer with the State Committee in regard to additional specifications for practices within the State.

Sec. 26. Range-Building Payments. Range-building payments, within the allowance, will be made for the carrying-out of range-building practices approved for each State at the rates established for such practices, provided such practices are carried out in accordance with specifications. Payment will be made only for practices carried out between January 1, 1938 and December 31, 1938, inclusive, approved in writing by the County Committee, pursuant to the provisions of the program (see RCP-1938). Any pasture land used in computing a farm payment under the 1938 Agricultural Conservation Program as applied to farms shall not be included in the computation of a range-building allowance under the Range Program. Payments for range-building practices will be made only at the rates outlined herein, even though such practices are performed according to specifications of a higher standard than those prescribed.

Sec. 27. Serial Number. The ranch serial number will be the number prefixed by the letter "R" assigned to each ranch, beginning with number one in each county and continuing thereafter in numerical sequence. If an assignment is made after the original designation of numbers, such assignment will be numbered so as to maintain a numerical sequence for the county.



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Issued March 15, 1938

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

1938 RANGE CONSERVATION PROGRAM

SOUTHERN REGION BULLETIN 251

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Pursuant to the provisions of the 1938 Range Conservation Program Bulletin, as amended March 12, 1938 (RCP-1938-3), issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration, payments will be made for participation in the States of Oklahoma and Texas in the 1938 Range Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made. This bulletin includes all of the provisions of said 1938 Range Conservation Program Bulletin which are applicable to the States of Oklahoma and Texas, together with certain of the determinations authorized therein to be made by the Agricultural Adjustment Administration or the Director of the Southern Division.

The provisions of the 1938 Range Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purposes; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation and the extent of national participation in the program. Any increase or decrease in payments made because of the extent of participation in the program is hereby limited so as not to exceed 10 percent.

The provisions of the 1938 Range Conservation Program contained in this bulletin are not applicable in the States of Oklahoma and Texas to (1) counties for which special range programs under the Soil Conservation and Domestic Allotment Act are approved for 1938 by the Secretary of Agriculture and (2) land owned by the United States and administered by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

Section I. Rates of Range-Building Payments. Within the limits of the range-building allowance and subject to the conditions hereinafter set forth, payment will be made for carrying out on range land in 1938 the following range-building practices, when carried out in accordance with specifications, if any, issued by the Regional Director or by the State committee with the approval of the Regional Director, and when performed in a workmanlike manner and in accordance with accepted standards of good ranching, provided any such practice is approved for the ranching unit by the county committee prior to its institution.

Practices and Conditions of Payment	Rate of Payment
A. <u>RESEEDING OF RANGE LAND:</u>	
1. Natural reseeding by deferred grazing:	
For withholding 25 percent of the range land in the ranching unit from grazing for the period from the start of forage growth to seed maturity, which period for the purpose of this practice shall be considered to be five months (150 days) beginning on the date between February 1 and June 1, 1938, recommended by the county committee and approved by the State committee: <u>Provided</u> (1) if grazing is deferred on less than 25 percent of the range land in the ranching unit, a proportionate payment will be made; (2) on ranching units on which cattle or horses are grazed the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock; (3) on ranching units used exclusively for grazing sheep either the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock or the entry of livestock on the non-grazed acreage is prevented by herding; (4) the remaining range land in such ranching unit is not pastured to such an extent as will decrease the stand of grass or injure the forage, tree growth, or watershed; (5) such practice shall not be applicable to range land in the ranching unit which normally is not used for grazing during the period from the start of forage growth to seed maturity; (6) the ranch operator has submitted to the county committee in writing the designation of the non-grazing range area of the ranching unit previous to the carrying-out of such practice; (7) prairie dogs are eradicated from such area; and (8) the ranch operator complies with such other conditions or specifications as may be established by the county committee	Sixty percent of the range building allowance.

Practices and Conditions of Payment	Rate of Payment
with the approval of the State committee where the county committee determines such additional conditions or specifications are needed in the interest of range conservation.	
2. Artificial reseeding:	
For reseeding depleted range land with good seed of adapted varieties of range grasses, legumes, or forage shrubs.	20 cents per pound of seed sown, but not in excess of \$2.00 per acre.
B. <u>EROSION AND RUNOFF CONTROL:</u>	
3. (a) Contour listing, furrowing, or subsoiling:	
For listing, furrowing, or subsoiling (chiseling) range land on the contour.	50 cents per acre.
(b) Contour ridging:	
For ridging range land on the contour.	10 cents per 100 linear feet.
4. Spreader dams and spreader terraces:	
For constructing spreader dams and spreader terraces alone or in combination with each other for the diversion of surface water to prevent soil washing of range land.	
(a) Spreader dams.	15 cents per cubic yard of material moved in building the dams.
(b) Spreader terraces.	40 cents per 100 linear feet of terraces constructed.
C. <u>DEVELOPMENT OF STOCK WATER ON RANGE LAND:</u>	
5. Earthen tanks or reservoirs:	
For constructing reservoirs or earthen tanks with spillways adequate to prevent dams from washing out, for the purpose of providing water for range livestock.	15 cents per cubic yard of fill or excavation.

Practices and Conditions of Payment	Rate of Payment
6. Concrete or rubble masonry dams:	
For constructing concrete or rubble masonry dams in rough or broken areas (where earthen dams or reservoirs are impracticable and where there is no possibility of using the masonry dam for irrigation), for the purpose of providing water for range livestock.	\$6.00 per cubic yard of concrete or rubble masonry.
7. Wells:	
(a) For drilling or digging wells with casing not less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. Payment will not be made for a well developed at ranching unit headquarters.	\$2.00 per linear foot.
(b) For drilling or digging wells with casing less than 4 inches but not less than 2 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir (An artesian well will qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough.) Payment will not be made for a well developed at ranching unit headquarters.	\$1.00 per linear foot.
8. Development of natural watering places:	
For developing springs or seeps, protecting the source from trampling and conveying the water in a trough or in a pipe not less than one inch in diameter to a tank, for the purpose of providing water for range livestock.	
(a) Where excavation is in soil or gravel.	40 cents per cubic foot.
(b) Where excavation is in rock	70 cents per cubic foot.

Practices and Conditions of Payment		Rate of Payment
D. <u>PLANTING AND MAINTAINING A STAND OF TREES:</u>		
9. Tree planting:		
Planting of trees on range land, provided that the trees are planted in 1938 prior to November 1; that the number, kind, and age of trees planted and methods of planting and growing of such trees are in accordance with approved specifications; and that the acreage planted to trees is fenced and the fence is maintained sufficiently to prevent entry of livestock.		\$10.00 per acre
E. <u>CONSERVATION OF RANGE LANDS THROUGH THE ELIMINATION OF DESTRUCTIVE PLANTS:</u>		
10. Prickly pear and cactus:		
(a) Light infestation.		\$0.50 per acre.
(b) Medium infestation.		0.75 per acre.
(c) Heavy infestation.		1.00 per acre.
11. Mosquito:		
(a) Light infestation.		\$0.50 per acre.
(b) Medium infestation.		1.00 per acre.
(c) Heavy infestation.		2.00 per acre.
12. Cedar:		
(a) Light infestation.		\$0.75 per acre
(b) Medium infestation.		1.00 per acre.
(c) Heavy infestation.		1.50 per acre.
13. Lechuguilla:		
(a) Heavy infestation.		\$0.50 per acre.

Practices and Conditions of Payment	Rate of Payment
F. <u>FIRE GUARDS:</u>	
14. For the establishment of fire guards not less than 10 feet in width by plowing furrows or otherwise exposing the mineral soil. Payment will not be made if the fire guard is used in connection with controlled burning within the ranching unit.	\$0.05 per 100 linear feet.

Section II. Range-Building Allowance. The range-building allowance shall be 2 cents per acre of range land in the ranching unit plus \$1.00 times the grazing capacity of the range land; provided, however, that the grazing capacity item shall not be calculated on more than one animal unit for each 10 acres of range land in the ranching unit, and the acreage item shall not be calculated on more than 60 acres for each animal unit of grazing capacity established for the ranching unit.

Section III. Conditions of Payment. The range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit. Payment will be made only if range-building practices are carried out according to specifications recommended by the State committee and approved by the Regional Director. Payments made for carrying out range-building practices shall not be subject to the provisions of section V of Southern Region Bulletin 201 (SRB-201) issued by the Agricultural Adjustment Administration.

No payment will be made for practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration, or for practices with respect to which a portion of the labor, seed, trees, or other materials used in carrying out such practices is furnished by a State or Federal agency other than the Agricultural Adjustment Administration if such portion represents one-half or more of the total cost of carrying out such practices. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents less than one-half of the total cost of carrying out such practice, payment will be made for such practice at one-half of the rate specified in section I.

Section IV. Changes in Leasing Arrangements and Other Devices. (a) No payment will be made to any person who has for 1938 made any change from the 1937 leasing arrangements of range land for the purpose of, or which would have the effect of, di-

verting to such person any payment to which any lessee would be entitled if the 1937 leasing arrangements of such range land were in effect for 1938. If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1938 Range Conservation Program has made any change from the 1937 leasing arrangements of such range land or has employed any other scheme or device whatsoever for the purpose of, or which would have the effect of, depriving any other person of any payment or share therein to which such other person otherwise would be entitled, the Secretary may withhold in whole or in part from the person participating in such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or otherwise would be made to such person for performance in connection with the 1938 Range Conservation Program.

(b) If on any ranching unit in 1938 any change of the leasing arrangements which existed on the ranching unit in 1937 is made between the landlord and the tenants and such change would cause a greater proportion of the payment to be made to the landlord under the 1938 Range Conservation Program than would have been made to the landlord for performance on the ranching unit under the 1937 Range Conservation Program, payment to the landlord under the 1938 Range Conservation Program with respect to the ranching unit shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the ranching unit in 1937 had been continued in 1938, if the county committee certifies that the change is not justified and disapproves such change.

(c) If on any ranching unit the number of tenants in 1938 is less than the average number on the ranching unit during the years 1935 to 1937, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the county committee certifies that the reduction is not justified and disapproves such reduction.

Section V. Eligibility for Payment. (a) Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators, provided, they all signify in the application for the range-building payment a percentum of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the county committee shall determine the percentage share of each ranch operator and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

(b) Any person who has an interest in a farm on which cotton is planted in 1938 and who makes application for payment with respect to any ranching unit shall file with such application a statement verified by affidavit that the applicant has not knowingly planted or caused to be planted during 1938 cotton on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1938 under Section 344 of the Agricultural Adjustment Act of 1938 in connection with cotton marketing quotas, and that cotton was not planted in excess of such allotment by his authority or with his consent.

(c) Any person who knowingly plants cotton on his farm in 1938 on acreage in excess of the cotton acreage allotment for the farm established in connection with cotton marketing quotas under Section 344 of the Agricultural Adjustment Act of 1938 and regulations issued in connection therewith shall not be eligible for any payment under the provisions of the 1938 Range Conservation Program. A person shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of his allotment is mailed to him prior to the completion of the planting of cotton on the farm unless such person establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton thereon in 1938.

Section VI. Materials Furnished as Grants of Aid. Wherever it is found practicable, trees, seeds, and other material may upon request of the ranch operator(s) be furnished by the Agricultural Adjustment Administration as grants of aid in lieu of payments. Wherever such materials are furnished, the range-building allowance will be reduced by the amount of the payment which otherwise would be computed with respect to the practices in connection with which the materials so furnished are used. In making a request for materials pursuant to this section the ranch operator(s) to whom such materials are furnished shall agree that, in the event the amount of the payment which otherwise would be computed with respect to the practices in connection with which the materials so furnished are used exceeds the range-building allowance, the amount of such excess shall be repaid by him to the Secretary.

Section VII. Payment Restricted to Effectuation of the Purposes of the Program. All or any part of any payment which otherwise would be made to any person under the 1938 Range Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is

otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which the Regional Director finds is contrary to sound conservation practices.

No payment will be made to any person if it is determined in accordance with instructions issued by the Agricultural Adjustment Administration that, with respect to any ranch which he owns or operates, the stand of grass has been decreased or the forage, tree growth, or watershed has been injured by overgrazing in 1938.

Section VIII. Payments Computed and Made Without Regard to Claims. Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in section XI), and without regard to any claim or lien against any crop or livestock, or proceeds thereof, in favor of the owner or any other creditor.

Section IX. Increase in Small Payments. The total payment computed under section I for any person with respect to any ranching unit shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to \$1.00;

(2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of pay- ment computed	Increase in payment	Amount of pay- ment computed	Increase in payment
\$ 1.00 to \$1.99	\$0.40	\$32.00 to \$32.99	\$10.40
2.00 to 2.99	0.80	33.00 to 33.99	10.60
3.00 to 3.99	1.20	34.00 to 34.99	10.80
4.00 to 4.99	1.60	35.00 to 35.99	11.00
5.00 to 5.99	2.00	36.00 to 36.99	11.20
6.00 to 6.99	2.40	37.00 to 37.99	11.40
7.00 to 7.99	2.80	38.00 to 38.99	11.60
8.00 to 8.99	3.20	39.00 to 39.99	11.80
9.00 to 9.99	3.60	40.00 to 40.99	12.00
10.00 to 10.99	4.00	41.00 to 41.99	12.10
11.00 to 11.99	4.40	42.00 to 42.99	12.20
12.00 to 12.99	4.80	43.00 to 43.99	12.30
13.00 to 13.99	5.20	44.00 to 44.99	12.40
14.00 to 14.99	5.60	45.00 to 45.99	12.50
15.00 to 15.99	6.00	46.00 to 46.99	12.60
16.00 to 16.99	6.40	47.00 to 47.99	12.70
17.00 to 17.99	6.80	48.00 to 48.99	12.80
18.00 to 18.99	7.20	49.00 to 49.99	12.90
19.00 to 19.99	7.60	50.00 to 50.99	13.00
20.00 to 20.99	8.00	51.00 to 51.99	13.10
21.00 to 21.99	8.20	52.00 to 52.99	13.20
22.00 to 22.99	8.40	53.00 to 53.99	13.30
23.00 to 23.99	8.60	54.00 to 54.99	13.40
24.00 to 24.99	8.80	55.00 to 55.99	13.50
25.00 to 25.99	9.00	56.00 to 56.99	13.60
26.00 to 26.99	9.20	57.00 to 57.99	13.70
27.00 to 27.99	9.40	58.00 to 58.99	13.80
28.00 to 28.99	9.60	59.00 to 59.99	13.90
29.00 to 29.99	9.80	60.00 to 185.99	14.00
30.00 to 30.99	10.00	186.00 to 199.99	Increase to \$200
31.00 to 31.99	10.20	200.00 and over	No increase

Section X. Deductions for Association Expenses. There shall be deducted pro rata from the payments with respect to any ranching unit all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the ranching unit is located.

Section XI. Assignments. Any person who may be entitled to any payment in connection with the 1938 Range Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing on a form prescribed by the Agricultural Adjustment Administration and is acknowledged by the ranch operator before the county agricultural extension

agent and filed with such agent; (2) the ranch operator files with the assignment an affidavit showing that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a 1938 crop and not to pay or secure any pre-existing indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purpose. For the purpose of this section the making of a crop shall be deemed to include the carrying-out of range-building practices.

Nothing in the provisions of this section shall be construed to give an assignee a right to any payment other than that to which the ranch operator is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the ranch operator without regard to the existence of any such assignment.

Section XII. Establishment of Grazing Capacities. There shall be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received on or before a date established by the Regional Director as affording reasonable opportunity for the filing of such application. In determining grazing capacity, consideration shall be given to the following: (a) composition, palatability, and density of forage growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) presence or absence of rodents and poisonous plant infestations; and (f) number and classes of livestock previously carried. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit established by the Agricultural Adjustment Administration on the basis of available statistics.

Section XIII. Determination of County in Which a Ranching Unit is Located. A ranching unit shall be regarded as located in the county in which its principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the ranching unit is located.

Section XIV. Appeals. Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to any ranching unit in which he has an interest may, within 15 days after notice thereof is forwarded to or available to him, request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters: (a) eligibility to file an application for payment, (b) grazing capacity established for the range land in such ranching unit, or (c) any other matter affecting the right to or the amount of his payment with respect to the ranching unit. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may,

within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee he may, within 15 days after such decision is forwarded to or made available to him, request the Regional Director to review the decision of the State committee.

Section XV. State and Regional Bulletins, Instructions and Forms. The Agricultural Adjustment Administration shall prepare and issue such State and regional bulletins, instructions, and forms as may be required in administering the 1938 Range Conservation Program.

Section XVI. Definitions. For the purposes of the 1938 Range Conservation Program --

SECRETARY means the Secretary of Agriculture of the United States.

DIRECTOR OF THE SOUTHERN DIVISION or REGIONAL DIRECTOR means the director of the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program and the 1938 Range Conservation Program in the Southern Region.

SOUTHERN REGION means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

STATE COMMITTEE or STATE AGRICULTURAL CONSERVATION COMMITTEE means the group of persons designated for any State to assist in the administration of the 1938 Agricultural Conservation Program and the 1938 Range Conservation Program in such State.

COUNTY COMMITTEE or COUNTY AGRICULTURAL CONSERVATION COMMITTEE means the group of persons elected for any county to assist in the administration of the 1938 Agricultural Conservation Program and the 1938 Range Conservation Program in such county.

PERSON means an individual, partnership, association, corporation, estate, or trust, and wherever applicable a State, a political subdivision of a State, or any agency thereof.

RANGE-BUILDING PAYMENT means a payment for the carrying-out of one or more approved range-building practices.

RANGE-BUILDING ALLOWANCE means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

RANCH OPERATOR means a person who as owner, cash tenant, or share tenant operates, or a person who acts in similar capacity in the operation of, a ranching unit in 1938.

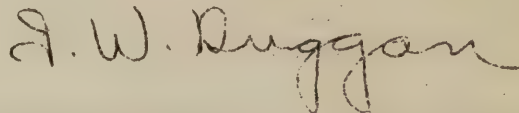
RANGE LAND means any land in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage grazed by range livestock, without cultivation or general irrigation. Range land shall not include lands administered by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

RANCHING UNIT means all range land which is used in 1938 by the ranch operator as a single unit in producing range livestock with machinery, workstock, and labor substantially separate from that of any other range land.

ANIMAL UNIT means one cow, one horse, five sheep, or five goats, or the equivalent thereof.

GRAZING CAPACITY OF RANGE LAND means the number of animal units which such land will sustain, on a twelve-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

Issued March 15, 1938, with the approval of the Administrator and the undersigned.



I. W. Duggan,
Director, Southern Division,
Agricultural Adjustment Administration.

Issued June 1, 1938.

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

Southern Division

1938 RANGE CONSERVATION PROGRAM

SOUTHERN REGION BULLETIN 251

Supplement 1

Pursuant to the provisions of the 1938 Range Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, Southern Region Bulletin 251 is hereby amended as follows:

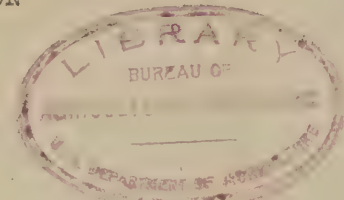
Amendment 1

Section V, Eligibility for Payment, is hereby amended to read as follows:

"Sec. V. Eligibility for Payment.- (a) Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators, provided they all signify in the application for the range-building payment a percentum of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the county committee shall determine the percentage share of each ranch operator and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

"(b) Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment to any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

"(c) Any person who makes application for payment with respect to any ranching unit located in a county in which cotton is planted in 1938 shall file with such application a statement that the applicant has not knowingly planted or caused to be planted during 1938 cotton on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1938 and that cotton was not planted in excess of such allotment by his authority or with his consent. Any person who knowingly



plants cotton on his farm in 1938 on acreage in excess of the cotton acreage allotment established for the farm for 1938 shall not be eligible for any payment under the provisions of the 1938 Range Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1938, on acreage in excess of the cotton acreage allotment for the farm for 1938 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of his allotment is mailed to him prior to the completion of the planting (seeding) of cotton on the farm unless such person establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton thereon in 1938."

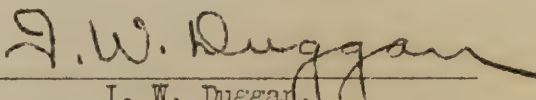
Amendment 2

Section XI, Assignments, is hereby amended to read as follows:

"Sec. XI. Assignments.- Any person who may be entitled to a payment in connection with the 1938 Range Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing upon Form ACP-69 in accordance with instructions issued by the Agricultural Adjustment Administration and is filed in the office of the county agricultural conservation association; (2) the ranch operator files with the assignment a statement that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a crop in 1938 and not to pay or secure any pre-existing indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purpose. For the purposes of this section the making of a crop shall be deemed to include the carrying out of range-building practices.

"Nothing contained in this section XI shall be construed to give an assignee a right to any payment other than that to which the ranch operator is entitled, nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the ranch operator without regard to the existence of any such assignment."

Issued June 1, 1938, with the approval of the Administrator and the undersigned.


I. W. Duggan,
Director, Southern Division,
Agricultural Adjustment Administration.

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UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
SOUTHERN DIVISION

1938 RANGE CONSERVATION PROGRAM
SOUTHERN REGION BULLETIN 251

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Pursuant to the provisions of the 1938 Range Conservation Program Bulletin, as amended March 12, 1938 (RCP-1938-3), issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration, payments will be made for participation in the States of Oklahoma and Texas in the 1938 Range Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made. This bulletin includes all of the provisions of said 1938 Range Conservation Program Bulletin which are applicable to the States of Oklahoma and Texas, together with certain of the determinations authorized therein to be made by the Agricultural Adjustment Administration or the Director of the Southern Division.

The provisions of the 1938 Range Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation and the extent of national participation in the program. Any increase or decrease in payments made because of the extent of participation in the program is hereby limited so as not to exceed 10 percent.

The provisions of the 1938 Range Conservation Program contained in this bulletin are not applicable in the States of Oklahoma and Texas to (1) counties for which special range programs under the Soil Conservation and Domestic Allotment Act are approved for 1938 by

the Secretary of Agriculture and (2) land owned by the United States and administered by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

SECTION I. Rates of range-building payments.—Within the limits of the range-building allowance and subject to the conditions hereinafter set forth, payment will be made for carrying out on range land in 1938 the following range-building practices, when carried out in accordance with specifications, if any, issued by the Regional Director or by the State committee with the approval of the Regional Director, and when performed in a workmanlike manner and in accordance with accepted standards of good ranching, provided any such practice is approved for the ranching unit by the county committee prior to its institution.

Practices and conditions of payment	Rate of payment
<p>A. RESEEDING OF RANGE LAND</p> <p>1. Natural reseeding by deferred grazing.—For withholding 25 percent of the range land in the ranching unit from grazing for the period from the start of forage growth to seed maturity, which period for the purpose of this practice shall be considered to be five months (150 days) beginning on the date between February 1 and June 1, 1938, recommended by the county committee and approved by the State committee: <i>Provided</i> (1) if grazing is deferred on less than 25 percent of the range land in the ranching unit, a proportionate payment will be made; (2) on ranching units on which cattle or horses are grazed the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock; (3) on ranching units used exclusively for grazing sheep either the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock or the entry of livestock on the nongrazed acreage is prevented by herding; (4) the remaining range land in such ranching unit is not pastured to such an extent as will decrease the stand of grass or injure the forage, tree growth, or watershed; (5) such practice shall not be applicable to range land in the ranching unit which normally is not used for grazing during the period from the start of forage growth to seed maturity; (6) the ranch operator has submitted to the county committee in writing the designation of the nongrazing range area of the ranching unit previous to the carrying out of such practice; (7) prairie dogs are eradicated from such area; and (8) the ranch operator complies with such other conditions or specifications as may be established by the county committee with the approval of the State committee where the county committee determines such additional conditions or specifications are needed in the interest of range conservation.</p> <p>2. Artificial reseeding.—For reseeding depleted range land with good seed of adapted varieties of range grasses, legumes, or forage shrubs.</p>	<p>60 percent of the range-building allowance.</p> <p>20 cents per pound of seed sown, but not in excess of \$2.00 per acre.</p>

Practices and conditions of payment	Rate of payment
B. EROSION AND RUN-OFF CONTROL	
3. (a) Contour listing, furrowing, or subsoiling. —For listing, furrowing, or subsoiling (chiseling) range land on the contour.	50 cents per acre.
(b) Contour ridging. —For ridging range land on the contour.	10 cents per 100 linear feet.
4. Spreader dams and spreader terraces. —For constructing spreader dams and spreader terraces alone or in combination with each other for the diversion of surface water to prevent soil washing of range land.	
(a) Spreader dams -----	15 cents per cubic yard of material moved in building the dams.
(b) Spreader terraces -----	40 cents per 100 linear feet of terraces constructed.
C. DEVELOPMENT OF STOCK WATER ON RANGE LAND	
5. Earthen tanks or reservoirs. —For constructing reservoirs or earthen tanks with spillways adequate to prevent dams from washing out, for the purpose of providing water for range livestock.	15 cents per cubic yard of fill or excavation.
6. Concrete or rubble masonry dams. —For constructing concrete or rubble masonry dams in rough or broken areas (where earthen dams or reservoirs are impracticable and where there is no possibility of using the masonry dam for irrigation), for the purpose of providing water for range livestock.	\$6.00 per cubic yard of concrete or rubble masonry.
7. Wells:	
(a) For drilling or digging wells with casing not less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. Payment will not be made for a well developed at ranching unit headquarters.	\$2.00 per linear foot.
(b) For drilling or digging wells with casing less than 4 inches but not less than 2 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. (An artesian well will qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough.) Payment will not be made for a well developed at ranching unit headquarters.	\$1.00 per linear foot.
8. Development of natural watering places. —For developing springs or seeps, protecting the source from trampling and conveying the water in a trough or in a pipe not less than 1 inch in diameter to a tank, for the purpose of providing water for range livestock.	
(a) Where excavation is in soil or gravel-----	40 cents per cubic foot.
(b) Where excavation is in rock-----	70 cents per cubic foot.

Practices and conditions of payment	Rate of payment
D. PLANTING AND MAINTAINING A STAND OF TREES	
9. Tree planting.—Planting of trees on range land, provided that the trees are planted in 1938 prior to November 1; that the number, kind, and age of trees planted and methods of planting and growing of such trees are in accordance with approved specifications; and that the acreage planted to trees is fenced and the fence is maintained sufficiently to prevent entry of livestock.	\$10.00 per acre.
E. CONSERVATION OF RANGE LANDS THROUGH THE ELIMINATION OF DESTRUCTIVE PLANTS	
10. Prickly pear and cactus:	
(a) Light infestation.....	\$0.50 per acre.
(b) Medium infestation.....	\$0.75 per acre.
(c) Heavy infestation.....	\$1.00 per acre.
11. Mesquite:	
(a) Light infestation.....	\$0.50 per acre.
(b) Medium infestation.....	\$1.00 per acre.
(c) Heavy infestation.....	\$2.00 per acre.
12. Cedar:	
(a) Light infestation.....	\$0.75 per acre.
(b) Medium infestation.....	\$1.00 per acre.
(c) Heavy infestation.....	\$1.50 per acre.
13. Lechuguilla:	
(a) Heavy infestation.....	\$0.50 per acre.
F. FIRE GUARDS	
14. For the establishment of fire guards not less than 10 feet in width by plowing furrows or otherwise exposing the mineral soil. Payment will not be made if the fire guard is used in connection with controlled burning within the ranching unit.	\$0.05 per 100 linear feet.

SEC. II. Range-building allowance.—The range-building allowance shall be 2 cents per acre of range land in the ranching unit plus \$1 times the grazing capacity of the range land: *Provided, however,* That the grazing capacity item shall not be calculated on more than one animal unit for each 10 acres of range land in the ranching unit, and the acreage item shall not be calculated on more than 60 acres for each animal unit of grazing capacity established for the ranching unit.

SEC. III. Conditions of payment.—The range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit. Payment will be made only if range-building practices are carried out according to specifications recommended by the State committee and approved by the Regional Director. Payments made for carrying out range-building practices shall not be subject to the provisions of section V of Southern Region Bulletin 201 (SRB-201) issued by the Agricultural Adjustment Administration.

No payment will be made for practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration, or for practices with respect to which a portion of the labor, seed, trees, or other materials used in carrying out such practices is furnished by a State or Federal agency other than the Agricultural Adjustment Administration if such portion represents one-half or more of the total cost of carrying out such practices. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents less than one-half of the total cost of carrying out such practice, payment will be made for such practice at one-half of the rate specified in section I.

SEC. IV. Changes in leasing arrangements and other devices.—

(a) No payment will be made to any person who has for 1938 made any change from the 1937 leasing arrangements of range land for the purpose of, or which would have the effect of, diverting to such person any payment to which any lessee would be entitled if the 1937 leasing arrangements of such range land were in effect for 1938. If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1938 Range Conservation Program has made any change from the 1937 leasing arrangements of such range land or has employed any other scheme or device whatsoever for the purpose of, or which would have the effect of, depriving any other person of any payment or share therein to which such other person otherwise would be entitled, the Secretary may withhold in whole or in part from the person participating in such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or otherwise would be made to such person for performance in connection with the 1938 Range Conservation Program.

(b) If on any ranching unit in 1938 any change of the leasing arrangements which existed on the ranching unit in 1937 is made between the landlord and the tenants and such change would cause a greater proportion of the payment to be made to the landlord under the 1938 Range Conservation Program than would have been made to the landlord for performance on the ranching unit under the 1937 Range Conservation Program, payment to the landlord under the 1938 Range Conservation Program with respect to the ranching unit shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the ranching unit in 1937 had been continued in 1938, if the county committee certifies that the change is not justified and disapproves such change.

(c) If on any ranching unit the number of tenants in 1938 is less than the average number on the ranching unit during the years 1935 to 1937, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the county committee certifies that the reduction is not justified and disapproves such reduction.

SEC. V. Eligibility for payment.—(a) Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch

operator of a group of two or more ranch operators, provided they all signify in the application for the range-building payment a percentage of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the county committee shall determine the percentage share of each ranch operator and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

(b) Any person who has an interest in the farm on which cotton is planted in 1938 and who makes application for payment with respect to any ranching unit shall file with such application a statement verified by affidavit that the applicant has not knowingly planted or caused to be planted during 1938 cotton on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1938 under Section 344 of the Agricultural Adjustment Act of 1938 in connection with cotton marketing quotas, and that cotton was not planted in excess of such allotment by his authority or with his consent.

(c) Any person who knowingly plants cotton on his farm in 1938 on acreage in excess of the cotton acreage allotment for the farm established in connection with cotton-marketing quotas under section 344 of the Agricultural Adjustment Act of 1938 and regulations issued in connection therewith shall not be eligible for any payment under the provisions of the 1938 Range Conservation Program. A person shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of his allotment is mailed to him prior to the completion of the planting of cotton on the farm unless such person establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton thereon in 1938.

SEC. VI. Materials furnished as grants of aid.—Wherever it is found practicable, trees, seeds, and other material may upon request of the ranch operator(s) be furnished by the Agricultural Adjustment Administration as grants of aid in lieu of payments. Wherever such materials are furnished, the range-building allowance will be reduced by the amount of the payment which otherwise would be computed with respect to the practices in connection with which the materials so furnished are used. In making a request for materials pursuant to this section the ranch operator(s) to whom such materials are furnished shall agree that, in the event the amount of the payment which otherwise would be computed with respect to the practices in connection with which the materials so furnished are used exceeds the range-building allowance, the amount of such excess shall be repaid by him to the Secretary.

SEC. VII. Payment restricted to effectuation of the purposes of the program.—All or any part of any payment which otherwise would be made to any person under the 1938 Range Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program, (2) if, by means of any corporation, partnership, estate, trust, or any

other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which the Regional Director finds is contrary to sound conservation practices.

No payment will be made to any person if it is determined in accordance with instructions issued by the Agricultural Adjustment Administration that, with respect to any ranch which he owns or operates, the stand of grass has been decreased or the forage, tree growth, or watershed has been injured by overgrazing in 1938.

SEC. VIII. Payments computed and made without regard to claims.—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in section XI), and without regard to any claim or lien against any crop or livestock, or proceeds thereof, in favor of the owner or any other creditor.

SEC. IX. Increase in small payments.—The total payment computed under section I for any person with respect to any ranching unit shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.
- (2) Any payment amounting to more than 71 cents but less than \$1 shall be increased by 40 percent.
- (3) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99-----	\$0. 40	\$32.00 to \$32.99-----	\$10. 40
\$2.00 to \$2.99-----	\$0. 80	\$33.00 to \$33.99-----	\$10. 60
\$3.00 to \$3.99-----	\$1. 20	\$34.00 to \$34.99-----	\$10. 80
\$4.00 to \$4.99-----	\$1. 60	\$35.00 to \$35.99-----	\$11. 00
\$5.00 to \$5.99-----	\$2. 00	\$36.00 to \$36.99-----	\$11. 20
\$6.00 to \$6.99-----	\$2. 40	\$37.00 to \$37.99-----	\$11. 40
\$7.00 to \$7.99-----	\$2. 80	\$38.00 to \$38.99-----	\$11. 60
\$8.00 to \$8.99-----	\$3. 20	\$39.00 to \$39.99-----	\$11. 80
\$9.00 to \$9.99-----	\$3. 60	\$40.00 to \$40.99-----	\$12. 00
\$10.00 to \$10.99-----	\$4. 00	\$41.00 to \$41.99-----	\$12. 10
\$11.00 to \$11.99-----	\$4. 40	\$42.00 to \$42.99-----	\$12. 20
\$12.00 to \$12.99-----	\$4. 80	\$43.00 to \$43.99-----	\$12. 30
\$13.00 to \$13.99-----	\$5. 20	\$44.00 to \$44.99-----	\$12. 40
\$14.00 to \$14.99-----	\$5. 60	\$45.00 to \$45.99-----	\$12. 50
\$15.00 to \$15.99-----	\$6. 00	\$46.00 to \$46.99-----	\$12. 60
\$16.00 to \$16.99-----	\$6. 40	\$47.00 to \$47.99-----	\$12. 70
\$17.00 to \$17.99-----	\$6. 80	\$48.00 to \$48.99-----	\$12. 80
\$18.00 to \$18.99-----	\$7. 20	\$49.00 to \$49.99-----	\$12. 90
\$19.00 to \$19.99-----	\$7. 60	\$50.00 to \$50.99-----	\$13. 00
\$20.00 to \$20.99-----	\$8. 00	\$51.00 to \$51.99-----	\$13. 10
\$21.00 to \$21.99-----	\$8. 20	\$52.00 to \$52.99-----	\$13. 20
\$22.00 to \$22.99-----	\$8. 40	\$53.00 to \$53.99-----	\$13. 30
\$23.00 to \$23.99-----	\$8. 60	\$54.00 to \$54.99-----	\$13. 40
\$24.00 to \$24.99-----	\$8. 80	\$55.00 to \$55.99-----	\$13. 50
\$25.00 to \$25.99-----	\$9. 00	\$56.00 to \$56.99-----	\$13. 60
\$26.00 to \$26.99-----	\$9. 20	\$57.00 to \$57.99-----	\$13. 70
\$27.00 to \$27.99-----	\$9. 40	\$58.00 to \$58.99-----	\$13. 80
\$28.00 to \$28.99-----	\$9. 60	\$59.00 to \$59.99-----	\$13. 90
\$29.00 to \$29.99-----	\$9. 80	\$60.00 to \$185.99-----	\$14. 00
\$30.00 to \$30.99-----	\$10. 00	\$186.00 to \$199.99-----	(¹)
\$31.00 to \$31.99-----	\$10. 20	\$200.00 and over-----	(²)

¹ Increase to \$200.

² No increase.

SEC. X. Deductions for association expenses.—There shall be deducted pro rata from the payments with respect to any ranching unit all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the ranching unit is located.

SEC. XI. Assignments.—Any person who may be entitled to any payment in connection with the 1938 Range Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing on a form prescribed by the Agricultural Adjustment Administration and is acknowledged by the ranch operator before the county agricultural extension agent and filed with such agent; (2) the ranch operator files with the assignment an affidavit showing that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a 1938 crop and not to pay or secure any pre-existing indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purpose. For the purpose of this section the making of a crop shall be deemed to include the carrying out of range-building practices.

Nothing in the provisions of this section shall be construed to give an assignee a right to any payment other than that to which the ranch operator is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the ranch operator without regard to the existence of any such assignment.

SEC. XII. Establishment of grazing capacities.—There shall be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received on or before a date established by the Regional Director as affording reasonable opportunity for the filing of such application. In determining grazing capacity, consideration shall be given to the following: (a) Composition, palatability, and density of forage growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) presence or absence of rodents and poisonous plant infestations; and (f) number and classes of livestock previously carried. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit established by the Agricultural Adjustment Administration on the basis of available statistics.

SEC. XIII. Determination of county in which a ranching unit is located.—A ranching unit shall be regarded as located in the county in which its principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the ranching unit is located.

SEC. XIV. Appeals.—Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to any ranching unit in which he has an interest may, within 15 days after notice thereof is forwarded to or available to him, request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters: (a) Eligibility to file an application for payment, (b) grazing capacity established for the range land in such ranching unit, or (c) any other

matter affecting the right to or the amount of his payment with respect to the ranching unit. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee he may, within 15 days after such decision is forwarded to or made available to him, request the Regional Director to review the decision of the State committee.

SEC. XV. State and regional bulletins, instructions, and forms.—The Agricultural Adjustment Administration shall prepare and issue such State and regional bulletins, instructions, and forms as may be required in administering the 1938 Range Conservation Program.

SEC. XVI. Definitions.—For the purposes of the 1938 Range Conservation Program—

SECRETARY means the Secretary of Agriculture of the United States.

DIRECTOR OF THE SOUTHERN DIVISION or REGIONAL DIRECTOR means the director of the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program and the 1938 Range Conservation Program in the Southern Region.

SOUTHERN REGION means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

STATE COMMITTEE or STATE AGRICULTURAL CONSERVATION COMMITTEE means the group of persons designated for any State to assist in the administration of the 1938 Agricultural Conservation Program and the 1938 Range Conservation Program in such State.

COUNTY COMMITTEE or COUNTY AGRICULTURAL CONSERVATION COMMITTEE means the group of persons elected for any county to assist in the administration of the 1938 Agricultural Conservation Program and the 1938 Range Conservation Program in such county.

PERSON means an individual, partnership, association, corporation, estate, or trust, and wherever applicable a State, a political subdivision of a State, or any agency thereof.

RANGE-BUILDING PAYMENT means a payment for the carrying-out of one or more approved range-building practices.

RANGE-BUILDING ALLOWANCE means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

RANCH OPERATOR means a person who as owner, cash tenant, or share tenant operates, or a person who acts in similar capacity in the operation of, a ranching unit in 1938.

RANGE LAND means any land in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage grazed by range livestock, without cultivation or general irrigation. Range land shall not include lands administered by the

Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

RANCHING UNIT means all range land which is used in 1938 by the ranch operator as a single unit in producing range livestock with machinery, workstock, and labor substantially separate from that of any other range land.

ANIMAL UNIT means one cow, one horse, five sheep, or five goats, or the equivalent thereof.

GRAZING CAPACITY OF RANGE LAND means the number of animal units which such land will sustain, on a 12-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

Issued March 15, 1938, with the approval of the Administrator and the undersigned.

J. W. Ruggan

*Director, Southern Division,
Agricultural Adjustment Administration.*

